

## **REMARKS**

Claims 23-30 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3, 4, and 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert (U.S. Pat. No. 6,172,798) in view of Enomoto (U.S. Pat. No. 6,181,393). This rejection is respectfully traversed.

Claims 1, 3, 4, and 6-9 are cancelled. This rejection, therefore, is moot.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert (U.S. Pat. No. 6,172,798) in view of Enomoto (U.S. Pat. No. 6,181,393), and further in view of Iwasaki (U.S. Pat. No. 5,972,493). This rejection is respectfully traversed.

Claim 5 is cancelled. This rejection, therefore, is moot.

Claims 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert (U.S. Pat. No. 6,172,798) in view of Enomoto (U.S. Pat. No. 6,181,393), and further in view of Comiskey (U.S. Pat. No. 6,724,519). This rejection is respectfully traversed.

Claims 10-13 are cancelled. This rejection, therefore, is moot.

Claims 14-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Comiskey (U.S. Pat. No. 6,724,519) in view of Enomoto (U.S. Pat. No. 6,181,393). This rejection is respectfully traversed.

Claims 14-16 and 18 are cancelled. This rejection, therefore, is moot.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Comiskey (U.S. Pat. No. 6,724,519) in view of Enomoto (U.S. Pat. No. 6,181,393), and further in view of Albert (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claim 17 is cancelled. This rejection, therefore, is moot.

Claims 19, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Comiskey (U.S. Pat. No. 6,724,519) in view of Enomoto (U.S. Pat. No. 6,181,393), and further in view of Iwasaki (U.S. Pat. No. 5,972,493). This rejection is respectfully traversed.

Claims 19, 20, and 22 are cancelled. This rejection, therefore, is moot.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Comiskey (U.S. Pat. No. 6,724,519) in view of Enomoto (U.S. Pat. No. 6,181,393) and Iwasaki (U.S. Pat. No. 5,972,493), and further in view of Albert (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claim 21 is cancelled. This rejection, therefore, is moot.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

#### **NEW CLAIMS**

New claims 23-30 have been added. New claim 23 recites an electrophoretic display comprising a plurality of microcapsules, wherein each of the plurality of microcapsules includes a plurality of charged particles and a fluid, and each of the

plurality of microcapsules contact each other. Claim 23 also recites that a first substrate contacts a first portion of each of the plurality of microcapsules, and a second substrate contacts a second portion of each of the plurality of microcapsules. Lastly, claim 23 recites that both the first portion and the second portion of the microcapsules have a planar shape. This subject matter is supported, for example, in Figure 14 of the application. No new matter has been added.

None of the cited references, either singularly or in combination, teach, suggest, or provide motivation to utilize such a structure. More particularly, the Examiner relies on Enomoto (U.S. Pat. No. 6,181,393) to teach microcapsules that contact the substrates with a flat face. Notwithstanding, Enomoto fails to teach the claimed configuration wherein a first substrate contacts a first portion of each of the plurality of microcapsules and a second substrate contacts a second portion of each of the plurality of microcapsules. Enomoto fails to teach this aspect of the claimed invention because Enomoto teaches two layers of microcapsules in order to increase the volume ratio of microcapsules, or to increase the mechanical strength of the display. Because there are two layers of microcapsules, however, the first substrate cannot contact a first portion of the microcapsules and the second substrate cannot contact a second portion of the microcapsules, as claimed.

Further, Applicant respectfully asserts that the configuration of Enomoto is undesirable in the present invention because the present invention is directed to an electrophoretic display that utilizes the movement of charged particles in a fluid to display information, while Enomoto is directed to a liquid crystal device. This is significant because each of the microcapsules in an electrophoretic device need to

contact each of the substrates in order to display the information formed by the migration of the charged particles in the microcapsules. In contrast, a liquid crystal display does not have any migratory particles that need to be displayed. Because Enomoto teaches a liquid crystal display device with two layers of microcapsules, there is no suggestion or motivation to utilize the teachings of Enomoto to arrive at the claimed electrophoretic device.

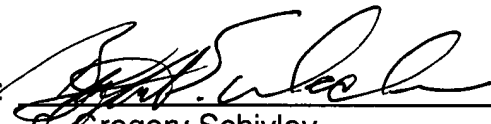
Because none of the cited references teach a configuration wherein a first substrate contacts a first portion of each of the plurality of microcapsules and a second substrate contacts a second portion of each of the plurality of microcapsules, and the first and second portions each have a planar shape, the claimed invention of new claims 23-30 is neither anticipated nor obvious in view of the cited prior art.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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